

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RICHARD PETERSON,)
 PLAINTIFF,)
)
 vs.) **Case No: 2:06CV110-VPM**
)
 TOWN OF CLAYTON, ALABAMA,)
 DEFENDANT,)
)

**MOTION TO COMPEL DEPOSITION
AND MOTION TO EXTEND DEADLINE**

Comes now the Defendant in the above styled cause and moves this Honorable Court to enter an order requiring the Plaintiff to make himself available for deposition on or before October 14, 2006, and extend the dispositive motion deadline. In support of said motion, the Defendant says as follows:

1. Defendant has contacted Plaintiff's counsel about scheduling deposition of Richard Peterson via correspondence on September 15, 2006, and via telephone on September 21, 26, 28, and 29.

2. Defendant suggested the dates of October 10 and 11 for depositions, but has been unable to speak with Plaintiff's attorney to confirm a date. The last three times Defendant contacted Plaintiff's attorney's office, Defendant had to leave messages on an answering machine because no one personally answered the phone.

3. The dispositive motion deadline is October 28, 2006.

Wherefore, for the above stated reasons, the Defendant moves this Honorable Court to enter an order compelling the deposition of Plaintiff, Richard Peterson, to be

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Page 1 of 2

taken on or before October 14, 2006, and extend the dispositive motion deadline at least fourteen days.

This the 29th day of September, 2006.

/s/ R. Todd Derrick
R. Todd Derrick (DER006)

OF COUNSEL:
COBB, SHEALY, CRUM, DERRICK & PIKE
Post Office Box 6346
Dothan, Alabama 36302
(334) 677-3000
(334) 677-0030

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically served a copy of this document upon:

Malcolm R. Newman, Esquire
Post Office Box 6137
Dothan, Alabama 36302
(334) 792-2132

This the 29th day of September, 2006.

/s/ R. Todd Derrick
R. Todd Derrick (DER006)